IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4659 OF 2004

Dhairyashil Bajrang Desai .. Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri S.A. Ingawale for the Applicant.
Shri K.V. Saste, APP for the State.

WITH
CRIMINAL APPLICATION NO. 4677 OF 2004

Dilip Balaso Desai ..Appilcant.

V/s.

The STate of Maharashtra ..Respondent.

Smt. Ravati P.Mohite Dere for Applicant.
Shri S.R. Shinde, APP for the Respondent- State.

CORAM : A.M.KHANWILKAR, J.
DATED : 02.11.2004

PC :-

. The above numbered Applications are filed by two rival groups. Two separate offences have been registered. Both the groups claim that on 13th October, 2004, an incident took place in which firing was resorted to.

2. In so far as, the Applicant in Criminal

Application No. 4659/2004 is concerned, he has surrendered his licensed weapon with the police.

3. In so far as the Applicant in Criminal Applicant No. 4677/2004 is concerned, he claims that he does not possess any weapon.

4. Interestingly, although the case of both sides is that firing was resorted to but the spot panchanama makes no reference to recovery of any pellets allegedly used during the firing. If it is so, the appropriate course in the fact situation of the present case, is to allow both the Applications but on strict conditions as follows :-

a) The Applicant in Criminal Application No. 4659/2004 is granted anticipatory bail in connection with C.R.No. 61/2004 registered with Bhudargad Police Station, on executing personal bond in the sum of Rs. 50,000/- (Rs. Fifty thousands only) with one or two local sureties in the like amount.

b) The Applicant in Criminal Application No.4677/2004 is granted anticipatory bail in

connection with C.R. NO. 62/2004 registered with Bhudargad Police Station, on executing personal bond in the sum of Rs. 50,000/- (Rs. Fifty thousand only) with one or two local sureties in the like amount.

c) The Applicants in both the applications shall not enter the jurisdiction of Bhudargad Police Station.

d) Both the Applicants in both the Applications shall furnish their place of residence where they intended to stay to the Investigating Officer within one week from today. Besides, they shall report to the nearest police station once in a week on Saturday between 10 a.m. to 1 p.m..

e) The applicant shall comply with all the conditions provided in section 438 (2) of the Code as applicable to the State of Maharashtra.

5. Ordered accordingly.

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